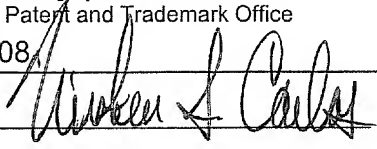





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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 9342-100									
<p>II hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on <u>June 17, 2008</u>.</p> <p>Signature <u></u></p> <p>Typed or printed name <u>Kirsten S. Carlos</u></p>		Application Number 10/617,325	Filed 07/10/2003								
		First Named Inventor Fredrik Stenmark									
		Art Unit 2618	Examiner Minh D. Dao								
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table border="0"><tr><td><input type="checkbox"/> applicant/inventor.</td><td rowspan="3"> Signature Robert N. Crouse Typed or printed name</td></tr><tr><td><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td></tr><tr><td><input checked="" type="checkbox"/> attorney or agent of record. 44,635 Registration number</td></tr><tr><td><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34</td><td>919-854-1400 Telephone number</td></tr><tr><td></td><td>June 17, 2008 Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>				<input type="checkbox"/> applicant/inventor.	 Signature Robert N. Crouse Typed or printed name	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	<input checked="" type="checkbox"/> attorney or agent of record. 44,635 Registration number	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34	919-854-1400 Telephone number		June 17, 2008 Date
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	June 17, 2008 Date										

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE EXAMINING GROUP 2618**

ATTORNEY DOCKET NO. 9342-100

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Fredrik Stenmark

Group Art Unit: 2618

Serial No.: 10/617,325

Confirmation No.: 2825

Filed: July 10, 2003

Examiner: Minh D. Dao

For: **METHODS, ELECTRONIC DEVICES AND COMPUTER PROGRAM
PRODUCTS FOR TRANSFERRING DATA STORED IN AN
ELECTRONIC DEVICE WHEN A SUBSCRIBER IDENTITY
MODULE IS ABSENT THEREFROM**

Date: June 17, 2008

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**REASONS IN SUPPORT OF APPELLANT'S PRE-APPEAL
BRIEF REQUEST FOR REVIEW**

Sir:

This document is submitted in support of the Pre-Appeal Brief Request for Review filed concurrently with a Notice of Appeal in compliance with 37 C.F.R. 41.31 and with the rules set out in the OG of July 12, 2005 for the Appeal Brief Conference Pilot Program.

No fee or extension of time is believed due for this request other than those submitted with the petition for extension of time filed concurrently herewith. However, if any further fee or extension of time for this request is required, Appellant requests that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

Claims 1-38 stand rejected under 35 U.S.C. 102 over U.S. Patent Publication No. 2002/0177410 to Klein et al. ("Klein"). *Official Action*, page 2. In response, Appellant respectfully requests review and reversal of the rejections in the Final Official Action for at least the reasons described herein. Due to the requirement for brevity, Appellant has limited these remarks to only some of the reasons why the

above rejections should be reversed, without waiving any right to argue other grounds/rejections should this request be denied.

Independent Claims 1, 15, 29, and 31 are all rejected for the same reasoning and citation of Figure 1 and paragraphs 3-17 of Klein. For example, the rejection of Claim 1 reads as follows:

Regarding claim 1, Klein teaches a method of transferring data from/to an electronic device comprising: transferring data from/to and electronic device when information used to register the electronic device with a wireless communications network is absent from the electronic device (see figs. 1; sections ([0003-0017])). *See Official Action page 2.*

The rejections of Claims 15, 29, and 31 include a similar basis for the respective rejection.

After reviewing the cited sections of Klein (which essentially constitutes the entire detailed description and summary of Klein), Appellant respectfully maintains that Klein does not disclose the recitations of the above independent claims as, for example, none of Klein's embodiments show transferring data from/to an electronic device when information used to register the electronic device with a wireless communications network is absent from the electronic device.

For example, paragraph 13 of Klein describes a situation where two of the subscribers GSM terminals (T1/T2) come into proximity with one another whereupon one of the terminals is re-registered as being the primary means of contacting the subscriber in his or her car. Accordingly, the GSM terminal in the subscribers car is registered as the primary means for communicating with the subscriber while the subscriber is in the car, but the registration reverts to the previous state when the subscriber leaves the car. Accordingly, both terminals maintain registration information to enable re-registration of each when the subscriber exits the car.

This situation does not disclose or suggest the recitations of independent Claim 1, as both terminals maintain the respective information used to register the terminals with the network regardless of which terminal is registered as the primary means of contact. In other words, terminals T1 and T2 in this situation both include the information that each needs to register with the wireless communications network so that each will be able to re-register when the subscriber leaves the car.

Accordingly, neither T1 nor T2 transfers data from/to an electronic device when information used to register the electronic device with a wireless communication network is **absent** from the electronic device, as recited in independent Claim 1 and is similarly recited in independent Claims 15, 29, and 31.

Further, Klein goes on to describe another situation in paragraph 14 where the first terminal remains a GSM terminal whereas the second terminal is a DECT terminal. This situation is described similarly to that shown in paragraph 13 however, the DECT terminal is re-registered as the primary means of communicating with the subscriber when the terminal T1 is brought into proximity with the DECT terminal. However, even assuming for the sake of argument that the DECT terminal may not contain information used to register the device, **the DECT terminal does not register with a wireless communications network, as claimed.** Accordingly, this section of Klein also does not disclose or suggest the recitations of independent Claims 1, 15, 29, and 31.

Further, the situation in paragraph 17 of Klein also does not disclose or suggest the recitations of these independent claims. For example, Klein describes this configuration in that both terminals T1 and T2 include information used to register each with the network. For example, paragraph 17 reads in part:

In one configuration of the invention the subscriber profile can be made available in each case on the current terminal. The subscriber profile is, for example, stored on a SIM card of the subscriber. **The SIM card is, e.g., inserted into terminal T1. After registration of terminal T2...** (See Klein, paragraph 17.)

As shown above by the cited passage of Klein, both T1 and T2 in this situation include information used to register with the network (i.e., on the SIM for T1 and evidenced by the fact that T2 is registered). Accordingly, this situation from Klein also does not disclose or suggest the recitations of independent Claims 1, 15, 29, and 31.

Further, Klein also does not disclose or suggest the recitations of independent Claim 32. In particular, Claim 32 is rejected using the same portions of Klein: Figure 1 in paragraphs 3-17). Appellant reiterates the reasoning applied above with reference to the situation in Klein that are discussed in paragraphs 13, 14, etc.

Furthermore, Appellant notes that although the situation in paragraph 17 of Klein does vaguely mention that a SIM may be absent from T2, this section of Klein clearly describes that T2 is registered:

In one configuration of the invention the subscriber profile can be made available in each case on the current terminal. The subscriber profile is, for example, stored on a SIM card of the subscriber. **The SIM card is, e.g., inserted into terminal T1. After registration of terminal T2...** (See Klein, paragraph 17.)

Accordingly, even assuming for the sake of argument that this portion of Klein does somehow disclose a SIM which is absent from T2, the situation still does not disclose or suggest that a SIM that stores information used to register the first electronic device with a wireless communication network is absent from the first device because Klein clearly states that T2 is registered with a network. Accordingly, Appellant respectfully submits that Klein also does not disclose or suggest the recitations of independent Claim 32 for at least these reasons.

Still further, Appellant specifically points out that many of the recitations of dependent claims are also not disclosed or suggested by Klein. For example, Klein does not disclose or suggest the recitations of dependent Claim 12, which recites in part that the data transferred comprises, for example, contact information, schedule information, to do information, email information, web information, image information, audio information, video information where the data is stored in a non-volatile memory of the electronic device. (See for example, the recitations of independent Claim 11 from which dependent Claim 12 depends.)

In contrast, the discussion in Klein appears to relate entirely to the content of SIM cards, and therefore does not disclose or suggest anything regarding information that is stored some place other than the SIM card in either of the terminals. Accordingly, Appellant respectfully submits that Klein also does not disclose or suggest the recitations of dependent Claims 11, 12, 13, 25, 26, 27, 30.

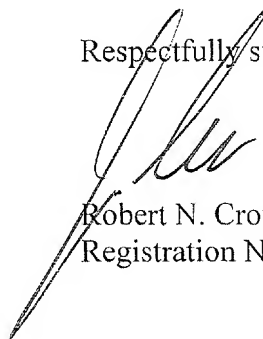
Yet further, Appellant respectfully submits that Klein does not disclose or suggest the recitations of dependent Claim 38, which recites in part that a second SIM stores information used to register the second electronic device with the communications network is absent from the second electronic device while transferring data. In particular, many of the situations discussed in Klein do not even

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refer to whether a SIM card is absent or present. Furthermore, the situation discussed in paragraph 17 of Klein is unclear whether a SIM card is truly absent from T2 or not. However, even assuming for the sake of argument that the SIM card were absent from T2, nothing in this section (or any other portion of Klein) discloses or suggests that a SIM card is absent from T1 as well as T2. Accordingly, Appellant respectfully submits that dependent Claim 38 is also patentable over Klein for at least these additional reasons.

In view of the above, Appellant respectfully requests that the present application be reviewed and the rejections be reversed by the appeal conference prior to the filing of the appeal brief.

Respectfully submitted,

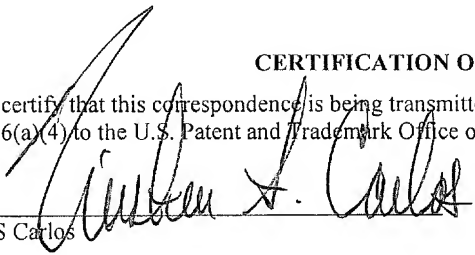


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CERTIFICATION OF TRANSMISSION

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Kirsten S Carlos